

ESTTA Tracking number: **ESTTA489138**

Filing date: **08/15/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Laverana GmbH & Co. KG		
Entity	Corporation	Citizenship	GERMANY
Address	Am Weingarten 4 Wennigsen, D-30974 GERMANY		

Attorney information	Susan Neuberger Weller Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. 701 Pennsylvania Avenue, N.W. Suite 900 Washington, DC 20004 UNITED STATES snweller@mintz.com Phone:202-585-3510
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Applicant Information

Application No	85558710	Publication date	07/24/2012
Opposition Filing Date	08/15/2012	Opposition Period Ends	08/23/2012
Applicant	SkinMedica, Inc. 5909 Sea Lion Place, Suite H Carlsbad, CA 92008 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Cosmetic sunscreen preparations; Cosmetics and cosmetic preparations; Non-medicated skin care preparations, namely, skin brightening creams and serums; Skin lighteners; Skin whitening preparations


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2687717	Application Date	02/22/1999
Registration Date	02/18/2003	Foreign Priority Date	NONE
Word Mark	LAVERA		
Design Mark			
Description of Mark	NONE		

Goods/Services	<p>Class 003. First use:</p> <p>COSMETICS, NAMELY, FACE CREAMS AND LOTIONS, SKIN CLEANSERS, PERSONAL HYGIENE PRODUCTS, NAMELY, SHOWER GELS, SHAMPOOS AND BODY LOTIONS, SUN SCREEN PREPARATIONS; PRODUCTS FOR BABIES' AND CHILDRENS' CARE, NAMELY, BATHING OILS, SHAMPOOS, SKIN OILS AND CREAMS; MEN'S CARE PRODUCTS, NAMELY, SHAVING CREAM, AFTER-SHAVE BALMS, SHOWER SHAMPOOS AND DEODORANTS; HAIR LOTIONS, DENTIFRICES, PERFUME, FOOT CREAMS AND LOTIONS; FOOT CARE PRODUCTS, NAMELY, ABRASIVE DEVICES IN THE NATURE OF PUMICE STONES, RASPS, OR FILES FOR TREATING CORNS AND CALLUSES, NON-MEDICATED POWDERS AND LIQUIDS FOR BATHING FEET, AND NON-ELECTRIC MASSAGE DEVICES, SPECIFICALLY, DEVICES DESIGNED FOR MASSAGING FEET; DECORATIVE COSMETICS, NAMELY, TINTED MOISTURIZING CREAMS, MAKEUP, COMPACT FACE POWDERS AND ROUGES, COVER-UP STICKS, LIPSTICKS, EYE-DECORATING PENCILS AND MASCARA</p> <p>Class 005. First use:</p> <p>NUTRITIONAL SUPPLEMENTS AND VITAMINS</p>
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U.S. Registration No.	3874214	Application Date	03/13/2009
Registration Date	11/09/2010	Foreign Priority Date	NONE
Word Mark	LAVERA BASIS SENSITIV		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 1987/02/00 First Use In Commerce: 2004/01/00</p> <p>abrasive products for cosmetic use, namely, cloths, papers, pastes, rolls, and sand; after-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, creams, foams and gels; after-sun care products, namely, balms, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; age spot reducing creams; alcohol for cleaning purposes; antibacterial skin soaps; antiperspirants and deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, cuticle creams, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners, and wipes; bar soaps; bath and shower products, namely, gels, salts, mineral salts, beads, creams, crystals, fizzies, flakes, foams, herbs, lotions, milks, oils, pearls, bubble bath, powder, and soaps in liquid, solid or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; bleaching preparations for cosmetic purposes; body and beauty care cosmetics,</p>		

	<p>namely, body butter, body crayons, body creams, deodorant in pill form, body deodorants, body lotions, body mask creams, body mask lotions, body mask powder, body milks, body oils, sprays used as a personal deodorant and as fragrance, and body washes; breath fresheners and breath mints for use as a breath freshener; cleaners for cosmetic brushes; cleansing products, namely, creams, milk, cloths or tissues impregnated with skin cleanser; cold creams; colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, cosmetic balls, creams, facial blotting papers, milks, oils, pads, preparations for skin renewal, preparations against sunburn, preparations for eye lashes, aerosols for skin care, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night creams, powder, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, balsams, oils, pomades, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and glosses; compacts containing make-up; cotton balls, buds, puffs, sticks, swabs, and wool for cosmetic purposes; dental care products, namely, dental bleaching gels, dentifrices, teeth cleaning lotions, and mouthwashes; nail care products, namely, cuticle conditioners, cuticle creams, lacquers, and glitter; depilatory preparations and substances; essential oils for personal use; exfoliant creams for skin and feet; perfumed and scented skin care products, namely, creams, powders, lotions, cream soaps, and soaps; feminine hygiene cleansing towelettes; foams containing cosmetics and sunscreens; foot care products, namely, deodorant sprays, non-medicated powders, and foot smoothing stones, impregnated cleaning pads impregnated with cosmetics, namely, indoor sun tanning preparations, SPF sunblock towelettes, pre-moistened cosmetic tissues, towelettes, and wipes; massage preparations, namely, creams, lotions, milks, and oils; skin moisturizing products, namely, creams, milks, and lotions; petroleum jelly for cosmetic purposes; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use</p>
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U.S. Application No.	77697439	Application Date	03/24/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LAVERA		
Design Mark			
Description of Mark	NONE		

Goods/Services	<p>Class 003. First use:</p> <p>abrasive products for cosmetic use, namely, cloths, papers, pastes, rolls, and sand; after-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, foams and gels; after-sun care products, namely, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; age spot reducing creams; alcohol for cleaning purposes; antibacterial skin soaps; antiperspirants and deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, cuticle creams, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners, and wipes; bar soaps; bath and shower products, namely, gels, salts, mineral salts, beads, creams, crystals, fizzies, flakes, foams, herbs, lotions, milks, oils, pearls, bubble bath, powder, and soaps in liquid, solid or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; bleaching preparations for cosmetic purposes; body and beauty care cosmetics, namely, body butter, body crayons, body creams, deodorant in pill form, body deodorants, body lotions, body mask creams, body mask lotions, body mask powder, body milks, body oils, spray used as a personal deodorant and as fragrance, and body washes; breath fresheners and breath mints for use as a breath freshener; cleaner for cosmetic brushes; cleansing products, namely, creams, milk, cloths or tissues impregnated with skin cleanser; cold creams; colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, cosmetic balls, creams, facial blotting papers, milks, oils, pads, preparations for skin renewal, preparations against sunburn, preparations for eye lashes, aerosols for skin care, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night cream, powder, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, balsam, oils, pomades, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and gloss; compacts containing make-up; cotton balls, buds, puffs, sticks, swabs, and wool for cosmetic purposes; dental care products, namely, dental bleaching gel, dentifrices, teeth cleaning lotions, and mouthwashes; nail care products, namely, cuticle conditioners, cuticle creams, lacquer, and glitter; depilatory preparations and substances; essential oils for personal use; exfoliant creams for skin and feet; perfumed and scented skin care products, namely, creams, powder, lotions, cream soaps, and soaps; feminine hygiene cleansing towelettes; foams containing cosmetics and sunscreens; foot care products, namely, deodorant spray, non-medicated powders, and foot smoothing stones; impregnated cleaning pads impregnated with cosmetics, namely, indoor sun tanning preparations, SPF sunblock towelettes, pre-moistened cosmetic tissues, towelettes, and wipes; massage preparations, namely, creams, lotions, milks, and oils; skin moisturizing products, namely, creams, milks, and lotions; petroleum jelly for cosmetic purposes; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use</p> <p>Class 005. First use:</p> <p>acne treatment preparations, namely, creams, lotions, and gels; allergy treatments, namely, capsules and medications; antibacterial products for skin, namely, alcohol, sanitizer gels, hand lotions, handwash, sprays, creams, soaps,</p>
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	and gels; antibiotic products for skin, namely, handwash and creams; anti-itch products, namely, creams, lotions, gels and ointments; athletes' foot lotions and powder; balms for medical purposes; bath salts and bath preparations for medical purposes; breast-nursing pads; corn and callus creams; dermatological pharmaceutical products; dietary and nutritional supplements; disinfectants for hygienic purposes, namely, handwash and creams; food supplements; headache treatment preparations; herb teas for medicinal purposes; herbal mud packs for therapeutic purposes; herbal supplements; medicated skin care preparations, namely, creams, lotions, lip balms, gels, toners, cleaners and peels; medicinal creams for skin care; mineral salts for medical purposes; mixed vitamin preparations; pharmaceutical preparations for use in dermatology; pharmaceutical preparations and substances for the treatment of damaged skin and tissue; pharmaceutical products and preparations against dry skin caused by pregnancy and pregnancy blemishes; vaginal moisturizers and washes; vitamin and mineral supplements
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U.S. Application No.	77690988	Application Date	03/13/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LAVERA BODY SPA*		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use:</p> <p>abrasive products for cosmetic use, namely, cloths, papers, pastes, rolls, and sand; after-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, creams, foams and gels; after-sun care products, namely, balms, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; age spot reducing creams; alcohol for cleaning purposes; antibacterial skin soaps; antiperspirants and deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, cuticle creams, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners, and wipes; bar soaps; bath and shower products, namely, gels, salts, mineral salts, beads, creams, crystals, fizzies, flakes, foams, herbs, lotions, milks, oils, pearls, bubble bath, powder, and soaps in liquid, solid or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; bleaching preparations for cosmetic purposes; body and beauty care cosmetics, namely, body butter, body crayons, body creams, deodorant in pill form, body deodorants, body lotions, body mask creams, body mask lotions, body mask powder, body milks, body oils, sprays used as a personal deodorant and as fragrance, and body washes; breath fresheners and breath mints for use as a</p>		

	<p>breath freshener; cleaners for cosmetic brushes; cleansing products, namely, creams, milk, cloths or tissues impregnated with skin cleanser; cold creams; colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, cosmetic balls, creams, facial blotting papers, milks, oils, pads, preparations for skin renewal, preparations against sunburn, preparations for eye lashes, aerosols for skin care, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night creams, powder, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, balsams, oils, pomades, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and glosses; compacts containing make-up; cotton balls, buds, puffs, sticks, swabs, and wool for cosmetic purposes; dental care products, namely, dental bleaching gels, dentifrices, teeth cleaning lotions, and mouthwashes; nail care products, namely, cuticle conditioners, cuticle creams, lacquers, and glitter; depilatory preparations and substances; essential oils for personal use; exfoliant creams for skin and feet; perfumed and scented skin care products, namely, creams, powders, lotions, cream soaps, and soaps; feminine hygiene cleansing towelettes; foams containing cosmetics and sunscreens; foot care products, namely, deodorant sprays, non-medicated powders, and foot smoothing stones. impregnated cleaning pads impregnated with cosmetics, namely, indoor sun tanning preparations, SPF sunblock towelettes, pre-moistened cosmetic tissues, towelettes, and wipes; massage preparations, namely, creams, lotions, milks, and oils; skin moisturizing products, namely, creams, milks, and lotions; petroleum jelly for cosmetic purposes; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use</p>
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Attachments	<p>77690979#TMSN.jpeg (1 page)(bytes) 77697439#TMSN.jpeg (1 page)(bytes) 77690988#TMSN.jpeg (1 page)(bytes) Notice of Opposition - LYTERA.pdf (9 pages)(480044 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Susan Neuberger Weller/
Name	Susan Neuberger Weller
Date	08/15/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application No.85558710 for LYTERA
Published in the Official Gazette July 24, 2012

_____)	
LAVERANA GMBH & CO. KG,)	
)	
Opposer,)	
)	
vs.)	
)	Opposition No. _____
SKINMEDICA, INC.,)	
)	
Applicant.)	
_____)	

Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, Virginia 22314

NOTICE OF OPPOSITION

Laverana GmbH & Co. KG ("Opposer"), a German limited partnership with a business address at Am Weingarten 4, Wennigsen, Germany, D-30974 believes that it will be damaged by registration of U.S. Application Serial No. 85558710 for the mark LYTERA which seeks registration for:

IC 003. Cosmetic sunscreen preparations; cosmetics and cosmetic preparation; non-medicated skin care preparations, namely, skin brightening creams and serums; skin like nurse; skin whitening preparations

and hereby opposes the same.

Pursuant to 15 U.S.C. §§ 1052, 1063, and 1141 of the Lanham Act, and 37 C.F.R. §§ 2.101 and 2.104, and predicated upon the following grounds, Opposer alleges the following:

1. Opposer is an international cosmetics and skincare company which manufactures and sells natural and organic products worldwide including in the U.S. Its U.S. web site is at www.lavera.com.

2. Opposer owns a family of LAVERA marks which include U.S. Registration Nos. 2687717 and 3874214 for the marks LAVERA and LAVERA BASIS SENSITV and U.S. trademark Application Nos. 77697439 and 77690988 for the marks LAVERA and LAVERA BODY SPA* which collectively are registered or seek registration for the following products:

IC 003. Cosmetics, namely, face creams and lotions, skin cleansers, personal hygiene products, namely, shower gels, shampoos and body lotions, sun screen preparations; products for babies' and children's care, namely, bathing oils, shampoos, skin oils and creams; men's care products, namely, shaving cream, after-shave balms, shower shampoos and deodorants; hair lotions, dentifrices, perfume, foot creams and lotions; foot care products, namely, abrasive devices in the nature of pumice stones, rasps, or files for treating corns and calluses, non-medicated powders and liquids for bathing feet, and non-electric massage devices, specifically, devices designed for massaging feet; decorative cosmetics, namely, tinted moisturizing creams, makeup, compact face powders and rouges, cover-up sticks, lipsticks, eye-decorating pencils and mascara

IC 003. Abrasive products for cosmetic use, namely, cloths, papers, pastes, rolls, and sand; after-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, creams, foams and gels; after-sun care products, namely, balms, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; age spot reducing creams; alcohol for cleaning purposes; antibacterial skin soaps; antiperspirants and deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, cuticle creams, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners, and wipes; bar soaps; bath and shower products, namely, gels, salts, mineral salts, beads, creams, crystals, fizzies, flakes, foams, herbs, lotions, milks, oils, pearls, bubble bath, powder, and soaps in liquid, solid or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; bleaching preparations for cosmetic purposes; body and beauty care cosmetics, namely, body butter, body crayons, body creams, deodorant in pill form, body deodorants, body lotions,

body mask creams, body mask lotions, body mask powder, body milks, body oils, sprays used as a personal deodorant and as fragrance, and body washes; breath fresheners and breath mints for use as a breath freshener; cleaners for cosmetic brushes; cleansing products, namely, creams, milk, cloths or tissues impregnated with skin cleanser; cold creams. colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, cosmetic balls, creams, facial blotting papers, milks, oils, pads, preparations for skin renewal, preparations against sunburn, preparations for eye lashes, aerosols for skin care, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night creams, powder, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, balsams, oils, pomades, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and glosses; compacts containing make-up; cotton balls, buds, puffs, sticks, swabs, and wool for cosmetic purposes; dental care products, namely, dental bleaching gels, dentifrices, teeth cleaning lotions, and mouthwashes; nail care products, namely, cuticle conditioners, cuticle creams, lacquers, and glitter; depilatory preparations and substances; essential oils for personal use; exfoliant creams for skin and feet; perfumed and scented skin care products, namely, creams, powders, lotions, cream soaps, and soaps; feminine hygiene cleansing towelettes; foams containing cosmetics and sunscreens. foot care products, namely, deodorant sprays, non-medicated powders, and foot smoothing stones, impregnated cleaning pads impregnated with cosmetics, namely, indoor sun tanning preparations, SPF sunblock towelettes, pre-moistened cosmetic tissues, towelettes, and wipes; massage preparations, namely, creams, lotions, milks, and oils; skin moisturizing products, namely, creams, milks, and lotions; petroleum jelly for cosmetic purposes; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use. FIRST USE: 19870200. FIRST USE IN COMMERCE: 20040100

IC 003. Abrasive products for cosmetic use, namely, cloths, papers, pastes, rolls, and sand; after-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, creams, foams and gels; after-sun care products, namely, balms, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; age spot reducing creams; alcohol for cleaning purposes; antibacterial skin soaps; antiperspirants and deodorants for personal use; anti-aging products,

namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, cuticle creams, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners, and wipes; bar soaps; bath and shower products, namely, gels, salts, mineral salts, beads, creams, crystals, fizzies, flakes, foams, herbs, lotions, milks, oils, pearls, bubble bath, powder, and soaps in liquid, solid or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; bleaching preparations for cosmetic purposes; body and beauty care cosmetics, namely, body butter, body crayons, body creams, deodorant in pill form, body deodorants, body lotions, body mask creams, body mask lotions, body mask powder, body milks, body oils, sprays used as a personal deodorant and as fragrance, and body washes; breath fresheners and breath mints for use as a breath freshener; cleaners for cosmetic brushes; cleansing products, namely, creams, milk, cloths or tissues impregnated with skin cleanser; cold creams. colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, cosmetic balls, creams, facial blotting papers, milks, oils, pads, preparations for skin renewal, preparations against sunburn, preparations for eye lashes, aerosols for skin care, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night creams, powder, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, balsams, oils, pomades, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and glosses; compacts containing make-up; cotton balls, buds, puffs, sticks, swabs, and wool for cosmetic purposes; dental care products, namely, dental bleaching gels, dentifrices, teeth cleaning lotions, and mouthwashes; nail care products, namely, cuticle conditioners, cuticle creams, lacquers, and glitter; depilatory preparations and substances; essential oils for personal use; exfoliant creams for skin and feet; perfumed and scented skin care products, namely, creams, powders, lotions, cream soaps, and soaps; feminine hygiene cleansing towelettes; foams containing cosmetics and sunscreens; foot care products, namely, deodorant sprays, non-medicated powders, and foot smoothing stones. impregnated cleaning pads impregnated with cosmetics, namely, indoor sun tanning preparations, SPF sunblock towelettes, pre-moistened cosmetic tissues, towelettes, and wipes; massage preparations, namely, creams, lotions, milks, and oils; skin moisturizing products, namely, creams, milks, and lotions; petroleum jelly

for cosmetic purposes; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use

IC 003. Abrasive products for cosmetic use, namely, cloths, papers, pastes, rolls, and sand; after-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, foams and gels; after-sun care products, namely, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; age spot reducing creams; alcohol for cleaning purposes; antibacterial skin soaps; antiperspirants and deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, cuticle creams, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners, and wipes; bar soaps; bath and shower products, namely, gels, salts, mineral salts, beads, creams, crystals, fizzies, flakes, foams, herbs, lotions, milks, oils, pearls, bubble bath, powder, and soaps in liquid, solid or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; bleaching preparations for cosmetic purposes; body and beauty care cosmetics, namely, body butter, body crayons, body creams, deodorant in pill form, body deodorants, body lotions, body mask creams, body mask lotions, body mask powder, body milks, body oils, spray used as a personal deodorant and as fragrance, and body washes; breath fresheners and breath mints for use as a breath freshener; cleaner for cosmetic brushes; cleansing products, namely, creams, milk, cloths or tissues impregnated with skin cleanser; cold creams; colognes and perfumes. color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, cosmetic balls, creams, facial blotting papers, milks, oils, pads, preparations for skin renewal, preparations against sunburn, preparations for eye lashes, aerosols for skin care, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night cream, powder, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, balsam, oils, pomades, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and gloss; compacts containing make-up; cotton balls, buds, puffs, sticks, swabs, and wool for cosmetic purposes; dental care products, namely, dental bleaching gel, dentifrices, teeth cleaning lotions, and

mouthwashes; nail care products, namely, cuticle conditioners, cuticle creams, lacquer, and glitter; depilatory preparations and substances; essential oils for personal use; exfoliant creams for skin and feet; perfumed and scented skin care products, namely, creams, powder, lotions, cream soaps, and soaps; feminine hygiene cleansing towelettes; foams containing cosmetics and sunscreens; foot care products, namely, deodorant spray, non-medicated powders, and foot smoothing stones. impregnated cleaning pads impregnated with cosmetics, namely, indoor sun tanning preparations, SPF sunblock towelettes, pre-moistened cosmetic tissues, towelettes, and wipes; massage preparations, namely, creams, lotions, milks, and oils; skin moisturizing products, namely, creams, milks, and lotions; petroleum jelly for cosmetic purposes; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use

IC 005. Acne treatment preparations, namely, creams, lotions, and gels; allergy treatments, namely, capsules and medications; antibacterial products for skin, namely, alcohol, sanitizer gels, hand lotions, handwash, sprays, creams, soaps, and gels; antibiotic products for skin, namely, handwash and creams; anti-itch products, namely, creams, lotions, gels and ointments; athletes' foot lotions and powder; balms for medical purposes; bath salts and bath preparations for medical purposes; breast-nursing pads; corn and callus creams; dermatological pharmaceutical products; dietary and nutritional supplements; disinfectants for hygienic purposes, namely, handwash and creams; food supplements; headache treatment preparations; herb teas for medicinal purposes; herbal mud packs for therapeutic purposes; herbal supplements; medicated skin care preparations, namely, creams, lotions, lip balms, gels, toners, cleaners and peels; medicinal creams for skin care; mineral salts for medical purposes; mixed vitamin preparations; pharmaceutical preparations for use in dermatology; pharmaceutical preparations and substances for the treatment of damaged skin and tissue; pharmaceutical products and preparations against dry skin caused by pregnancy and pregnancy blemishes; vaginal moisturizers and washes; vitamin and mineral supplements

(“Opposer’s Family of LAVERA Marks”).

3. Upon information and belief, SkinMedica, Inc. (“Applicant”) is a Delaware corporation with an address at 5909 Sea Lion Place, Suite H, Carlsbad, CA 92008, and seeks to register the mark LYTERA for:

IC 003. Cosmetic sunscreen preparations; cosmetics and cosmetic preparation; non-medicated skin care preparations, namely, skin

brightening creams and serums; skin like nurse; skin whitening preparations

pursuant to U.S. Application Serial No. 85558710 filed on March 2, 2012 under Section 1(b) of the U.S. Trademark Act (“Applicant’s Mark” or “Applicant’s Application”).

4. The applied for mark LYTERA is confusingly similar to Opposer’s Family of LAVERA Marks, and when used on the goods set forth in Applicant’s Application is likely to cause confusion and mistake and to deceive purchasers and potential purchasers of Applicant’s goods and Opposer’s goods into erroneously believing that there is some relationship between Opposer and Applicant, or that Opposer has authorized, sponsored, or licensed Applicant’s use of the mark LYTERA in violation of 15 U.S.C. § 1052(d).

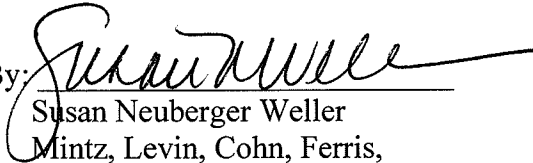
5. Opposer has used its Family of LAVERA Marks for over twenty five years throughout the world and has used them in the U.S. since, at least, 2004. Opposer has established a well known reputation under its family of LAVERA ® marks in the same market in which and to the same customers to which Applicant will market and sell its goods. Thus, it is highly likely that confusion will occur between the two marks at issue.

6. Registration of Applicant’s Mark will damage Opposer since such registration will give color of exclusive statutory rights to Applicant in the mark LYSTERA in derogation and violation of the prior and superior federal rights of Opposer.

WHEREFORE, Opposer Laverana GmbH & Co. KG believes that it will be damaged by the registration of U.S. Application Serial No. 85558710 for the mark LYTERA in Class 3 and, therefore, respectfully requests that the Trademark Trial and Appeal Board refuse registration of Applicant’s mark under 15 U.S.C. §1052(d).

Respectfully submitted,

LAVERANA GMBH & CO. KG

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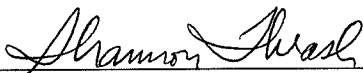
Dated: August 15, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served by
U.S. first class mail, postage prepaid, on this 15th day of August, 2012 on the following:

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